

**HOUSE ALL TERRAIN VEHICLE SAFETY
STUDY COMMITTEE**

Report of the Committee
December 31, 2005

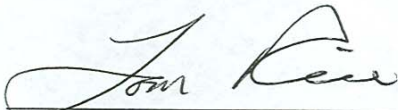
House Research Office

Georgia General Assembly

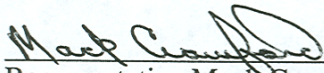
*This report is submitted pursuant to the following resolution,
House Resolution 214,
which created the House All Terrain Vehicle Study Committee,
to which the members were appointed
by the Speaker of the House of Representatives.*



Representative Chuck Sims, Chairman



Representative Tom Rice



Representative Mack Crawford

House Resolution 214

A RESOLUTION

Creating the House All-terrain Vehicle (ATV) Safety Study Committee; and for other purposes.

WHEREAS, all-terrain vehicles have become tremendously popular throughout Georgia; and

WHEREAS, there continue to be an alarming number of injuries and deaths in Georgia related to ATV accidents; and

WHEREAS, many young people in Georgia are particularly vulnerable to ATV accidents; and

WHEREAS, despite repeated calls for more safety features and warnings on ATVs the manufacturers have not responded sufficiently; and

WHEREAS, the unrestricted use of ATVs on public roads and highways has become a threat to all Georgians using the roads or highways; and

WHEREAS, accordingly, education as to the proper and safe use of ATVs is of great importance in order to protect the citizens of this state, particularly the children.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that there is created the House All-terrain Vehicle (ATV) Safety Study Committee to be composed of three members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The Speaker of the House shall designate a member of the committee as chairperson of the committee. The chairperson shall call all meetings of the committee.

BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions, needs, issues, challenges, and opportunities mentioned above or related thereto and shall develop and recommend legislation which the committee deems necessary or appropriate to address such issues. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The committee will endeavor to reach all of the citizens of this state by scheduling at least one meeting in south Georgia, at least one meeting in central Georgia, and at least one meeting in north Georgia. The legislative members of the committee shall receive the allowances authorized for legislative members of interim legislative committees but shall receive the same for not more than three days unless additional days are authorized. Except as otherwise provided in this resolution, the funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives. In the event the committee makes a report of its findings and recommendations, such report shall be made on or before December 31, 2005. The committee shall stand abolished on December 31, 2005.

Georgia House of Representatives

**HOUSE ALL TERRAIN VEHICLE SAFETY
STUDY COMMITTEE**

Members of the Committee

Representative Chuck Sims, Chairman

Representative Tom Rice

Representative Mack Crawford

Staff

Craig Foster
Research Analyst
House Research Office

Introduction

Georgia has a rich history of promoting outdoor recreation and utilization of its natural resources by not overburdening its citizens with unnecessary regulations or impediments. With all terrain vehicles (ATVs), there is no exception. The only legal requirements governing ATV operation are that they have brakes and a muffler, and that operators do not ride on private property without permission. However, an ever increasing number of fatalities and serious injuries to ATV operators, especially children, necessitates studying whether additional safety requirements should be added to current law.

To this end, the House ATV Safety Study Committee was created. The committee organized three public forums in three regions of the state (north, south, and middle), for the purpose of hearing testimony from local law enforcement, medical professionals, ATV enthusiasts, industry representatives and concerned citizens about the issues surrounding safe ATV operation.

Hearings

The Committee scheduled three meetings over the course of five months and heard public comment from all interested parties. These meetings took place August 24th in Douglas, September 30th in Dalton, and October 30th, in Atlanta.

Findings

The House All Terrain Vehicle Safety Study Committee, having completed the prescribed course of study, finds that:

- 1) Georgia is one of only five states with no ATV safety legislation.
- 2) There have been 177 fatalities involving ATVs between 1982 and 2003.
- 3) Of the 177 deaths, one third were children under 16.
- 4) In 2004, there were 12 fatalities involving ATVs, 50% of which were children under 17.
- 5) The risk of being killed in an ATV crash is 20 times higher than that of any other vehicle¹.
- 6) Almost all ATV fatalities or serious injuries occur while violating one or more of the Consumer Product Safety Commission's "Rules of ATV Operation". These rules are as follows:
 - A. Children under sixteen should not ride adult-sized ATVs (engines bigger than 90 cc's).
 - B. Take a hands-on safety course.
 - C. Always wear a helmet while on an ATV.
 - D. Never drive an ATV on paved roads.
 - E. Never drive while under the influence of drugs or alcohol.
 - F. Never drive an ATV with a passenger, and never ride as a passenger.
- 7) Though it is illegal to operate ATV's on roads or private property without permission, law enforcement is reluctant to apprehend violators. This is due to the high likelihood of the violator fleeing the scene and having an accident.
- 8) Investigation and prosecution of ATV theft is difficult because there is no centralized database or registration to match owner with ATV.

¹ Items 1 through 5 are taken from the USCPSC's *2003 Annual Report of ATV Deaths and Injuries*.

Recommendations

The House All Terrain Safety Study Committee recommends that legislation be adopted by the Georgia General Assembly to accomplish the following:

- 1) Create a special “Off Road Only” tag for ATVs and require a title. This is to be handled by the Georgia Department of Revenue.
- 2) Provide for penalties and fines for violations, and establish fees and guidelines for administering the program.
- 3) Create safety regulations for ATV operators under 16 that would:
 - A. Require completion of a SVIA (Specialty Vehicle Institute of America) approved safety course.
 - B. Prevent children under 10 from operating ATVs on public lands.
 - C. Require supervision by an adult (over 18) who possesses a valid driver’s license.
 - D. Require that a SNELL approved helmet be worn.
 - E. Prevent carrying a passenger on an ATV, except on models designed to carry more than one rider.
 - F. Prevent children from being passengers on ATVs, except on models designed to carry more than one rider. The operator must be an adult with a valid driver’s license.
 - G. Prevent operation of ATVs on the shoulder of roadways or highway right of ways for any reason.
 - H. Establish penalties and/or fines for violations of the above provisions.
 - I. Provide for exceptions to these provisions when operating ATVs on private property.

Acknowledgements

The committee would like to thank the following groups and agencies for their invaluable cooperation and information:

The people and officials of Coffee County, Georgia

The people and officials of Whitfield County, Georgia

Georgia Department of Driver's Services

Georgia Department of Revenue

Georgia Department of Natural Resources

U. S. Consumer Product Safety Commission

U. S. Department of Agriculture, Forest Service

Specialty Vehicle Institute of America